

REMARKS

Status of Application

By the present Amendment, claims 19-20 have been added and claims 1-7 and 10-18 have been canceled without prejudice or disclaimer. Claims 8-9 and 19-20 are all the claims pending in the application. Claims 1-18 have been rejected.

Formalities

The Examiner has indicated that the drawings filed on July 21, 2005 have been accepted.

The Examiner has acknowledged the claim to foreign priority and has indicated that all the certified copies of the priority documents have been received.

The Examiner has considered all the references cited with the Information Disclosure Statements filed on February 8, 2006, July 10, 2008 and February 27, 2009.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1-18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,621,524 to Iijima et al. (hereinafter “Iijima”). Applicant respectfully traverses all of these rejections.

Claims 1-7 and 10-18 have been canceled without prejudice or disclaimer and, therefore, the Examiner’s rejections with respect to these claims are now moot.

A. Independent Claim 8

Without conceding to the merits of the Examiner’s rejections, claim 8 has been amended, as set forth above. Support for the above amendments to claim 8 is provided by at least FIG. 11 of the originally filed specification. No new matter has been added.

Claim 8 recites (among other things):

...an existing image outputting unit that outputs the selected existing image to the removable memory before the digital image is outputted to the removable memory.

Consistent with illustrative embodiments, the existing image outputting unit outputs the existing image, selection of which is received by the selection receiving unit, to the removable memory before the digital image is outputted to the removable memory.

Thus, as explained in the present specification, illustrative embodiments are advantageous in that (among other advantages) by outputting the existing image to the removable memory according to the timing recited in claim 8, a time interval in successively recording the object image can be shortened (*see e.g.*, Specification, page 7, lines 5-12). For example, according to an illustrative embodiment, the layout file set can be outputted to the removable memory 156 before pushing the shutter switch 162 and, therefore, processings necessary after pushing the shutter switch 162 can be reduced (*see e.g.*, Specification, page 30, lines 17-23).

Applicant respectfully submits that Iijima fails to teach or suggest the above features and, therefore, claim 8 would not have been obvious in view of Iijima for at least these reasons.

For example, the 10/14/2009 Office Action does not set forth any specific grounds of rejection regarding the recitations of claim 8. Instead, the 10/14/2009 Office Action summarily alleges that the recitations of claims 6-10 are similar to claims 1-5. Further, with respect to claims 1-5, the grounds of rejection rely on Iijima, column 27, lines 25-38; FIGS. 22C-22D as allegedly teaching that the existing image outputting unit outputs the existing image selected by the selection receiving unit to the removable memory before the digital image outputted to the removable memory is outputted by the converting unit. The grounds of rejection also rely on

Iijima, column 5, lines 15-23 as allegedly teaching outputting the digital image to a memory card and take Official Notice that it is well known to have a memory card that is removable in order to easily distribute the images to multiple users.

Applicant respectfully disagrees with the grounds of rejection. Iijima does not teach or suggest an existing image outputting unit that outputs the selected existing image to the removable memory before the digital image is outputted to the removable memory, as recited in claim 8. In contrast to claim 8, Iijima merely teaches that, where the desired frame is displayed in the step X2, the user examines whether a through-image 82' displayed with a guiding frame 81 of an object to be imaged 82 is positioned exactly within the guiding frame at the center of the screen (Iijima, column 27, lines 25-38; FIGS. 22B-22D). Iijima teaches that, in a case where it is positioned exactly within the guiding frame, the user pushes the release button 63 and otherwise regulates the angle of the camera so that the desired through-image is positioned exactly within the guiding frame at the center of the screen (X4) (Iijima, column 27, lines 25-38; FIGS. 22B-22D).

However, Iijima fails to provide any teaching or suggestion that an existing image outputting unit outputs the guiding frame 81 to removable memory before the image 83. Therefore, Applicant respectfully submits that claim 8 would not have been obvious in view of Iijima for at least these reasons.

Therefore, Applicant respectfully submits that claim 8 would not have been obvious in view of the cited references for at least these reasons and respectfully requests that the Examiner withdraw this rejection.

B. Independent Claim 9

Without conceding to the merits of the Examiner's rejections, claim 9 has been amended, as set forth above. Support for the above amendments to claim 9 is provided by at least FIG. 12 of the originally filed specification. No new matter has been added.

Claim 9 recites (among other things):

...an existing image outputting unit that
outputs the selected existing image to the
removable memory, at each time of interchanging
the removable memory.

As explained in the present specification, illustrative embodiments are advantageous in that (among other advantages), by outputting the existing image to the removable memory by the timing recited in claim 9, a time interval in successively recording the object image can be shortened (*see e.g.*, Specification, page 7, lines 13-20). For instance, according to an illustrative embodiment, the layout file set can be outputted to the removable memory 156 before pushing the shutter switch 162 and therefore, processings necessary after pushing the shutter switch 162 can be reduced (*see e.g.*, Specification, page 31, line 20 - page 32, line 1).

Applicant respectfully submits that Iijima fails to teach or suggest the above features and, therefore, claim 9 would not have been obvious in view of Iijima for at least these reasons.

For example, as already discussed above, the 10/14/2009 Office Action summarily alleges that the recitations of claims 6-10 are similar to claims 1-5. Moreover, in an attempt to support the rejection of claim 4, the grounds of rejection include the conclusory allegation that “[i]t would have been obvious to one skilled in the art that every time a memory card is changed that the layout will be outputted to the newly inserted memory card” (10/14/09 Office Action, page 4).

Applicant respectfully submits that such a conclusory allegation is legally insufficient to sustain a conclusion of obviousness¹. Since the grounds of rejection have not articulated any reasoning with some rational underpinning to support the allegation that it would have been obvious that every time a memory card is changed that the layout will be outputted to the newly inserted memory card, Applicant respectfully submits that claim 9 is patentable over the cited references for at least these reasons.

Consequently, Applicant respectfully submits that claim 9 would not have been obvious in view of Iijima for at least these reasons and respectfully requests that the Examiner withdraw these rejections.

New Claims

New claims 19-20 have been added and are fully supported by at least FIGS. 1 and 11 of the original specification (*see e.g.*, operation S430). Applicant respectfully submits that claims 19-20 are patentable over the cited references *at least* by virtue of their dependency on claims 8 and 9, respectively, and by virtue of the recitations set forth therein.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

¹ "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1741 (U.S. 2007).

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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